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Attorneys for Defendants, Black Horse Pike Regional School District,

Ralph Ross, Frank Palatucci, and Thomas Sullivan

B.P. and K.P.,

Plaintiffs,

vs.

BLACK HORSE PIKE REGIONAL SCHOOL
DISTRICT, RALPH ROSS, FRANK
PALATUCCI, THOMAS SULLIVAN,
ANTHONY WILLIAMS

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO.: CAM-L-3384-14

NOTICE OF REMOVAL

TO: Clerk, United States District Court, District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Room 1050
Camden, NJ 08101

Deputy Clerk, Camden County Superior Court
101 South Fifth St.
Camden, N.J. 08103

Cozen O'Connor
Hayes A. Hunt, Esq.
Brian Kint, Esq.
Joshua Ruby, Esq.
457 Haddonfield Road, Suite 3000
P.O. Box 5459
Cherry Hill, N.J. 08002
Attorney for Plaintiffs

Anthony Williams
1211 Piccard Ct.
Woodbury, N.J. 08096

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441 and § 1446, defendants, Black Horse Pike Regional School District, Ralph Ross, Frank Palatucci, and Thomas Sullivan (hereinafter referred to collectively as the “school defendants”), hereby remove the within action to the United States District Court for the District of New Jersey for the reasons which follow.

Upon information and belief, this matter was commenced in the Superior Court of New Jersey, Law Division on or about August 29, 2014 when plaintiffs filed a complaint and demand for jury trial in the Superior Court of New Jersey, Law Division, Camden County. The summons and complaint were served on Frank Palatucci on September 13, 2014; Ralph Ross on September 15, 2014; the Black Horse Pike Regional School District on September 24, 2014; and Anthony Williams on September 27, 2014. These documents are appended hereto as Exhibit A. At the time of this filing, the undersigned has no information or knowledge regarding whether Thomas Sullivan has been served with process. In addition to the summons and complaint, according to the court’s website, on September 12, 2014, plaintiffs filed a motion for counsel to be admitted *pro hac vice*.

The complaint generally asserts that plaintiffs’ federal statutory rights, pursuant to 42 U.S.C. § 1983 and Title IX, 20 U.S.C. § 1681, et seq., have been violated by the school defendants as a result of alleged sexual harassment against B.P. perpetrated by a former employee of the Black Horse Pike Regional School District, defendant Anthony Williams. More specifically, in Count I, plaintiffs allege that Black Horse Pike Regional School District violated provisions of Title IX, 20 U.S.C. § 1681, et seq. as defendants Ross and Palatucci were appropriate persons having possessed actual notice that Williams was engaging in an improper relationship and sexually harassing B.P., and they failed to take appropriate corrective action, thereby acting with deliberate indifference to B.P.’s rights and safety.

Within Counts II through IV, plaintiffs assert a deprivation of B.P.'s constitutional rights under the 14th Amendment for which he seeks redress under 42 U.S.C. § 1983. Count II is specifically directed toward Williams; Count III is directed at Ross, Palatucci and Sullivan in their individual capacities; and Count IV is directed at all school defendants in their official capacity. Plaintiffs allege the school defendants acted under color of state law, abused their positions with acts that shock the conscience, turned a blind eye to Williams' improper relationship with B.P. and violated B.P.'s rights to due process and equal protection of the laws as guaranteed by the United States Constitution. The various theories plaintiffs assert in Counts II through IV under 42 U.S.C. § 1983 include the following: (1) inadequate policies governing sexual harassment and improper relationships between teachers and students; (2) a practice or custom that tolerated improper relationships between teachers and students that was so widespread as to have the force of law, which contributed to the inappropriate relationship between Williams and B.P.; (3) a failure to train employees regarding inappropriate student/teacher relationships and responding to allegations of sexual harassment and child sexual abuse; and (4) a state-created danger.

Pursuant to 28 U.S.C. § 1331, the District Court shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States.

This Notice of Removal is therefore being filed and served within 30 days of the date upon which the last school defendant was served with process in accordance with 28 U.S.C. § 1446(b). Consequently, removal of the instant action to the District Court is appropriate pursuant to 28 U.S.C. §§ 1331; 1441; and 1446. The undersigned has personally spoken with defendant, Anthony Williams, via telephone on October 23, 2014, and he has consented to the removal of this matter to District Court.

Accordingly, defendants Black Horse Pike Regional School District, Ralph Ross, Frank Palatucci, and Thomas Sullivan hereby remove this action in accordance with the above statutory authority. Copies of all process, pleadings and orders served upon the school defendants to date are appended hereto pursuant to 28 U.S.C. § 1446(a).

A copy of this Notice of Removal Package is being served upon the Deputy Clerk, Camden County Superior Court and the attorneys for the plaintiffs simultaneously per 28 U.S.C. § 1446(d).

HILL WALLACK LLP
Attorneys for Defendants,
Black Horse Pike Regional School District,
Ralph Ross, Frank Palatucci, and
Thomas Sullivan

/s/ Jeffrey L. Shanaberger

Jeffrey L. Shanaberger

Dated: October 24, 2014